

Senate Bill 135

By: Senators Smith of the 52nd, Hill of the 32nd, Grant of the 25th, Kemp of the 46th, Mullis of the 53rd and others

AS PASSED

AN ACT

To amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, so as to provide for juvenile justice reforms; to provide for certain facilities that are detaining certain children to notify certain officials of the detention; to provide for procedures related to jurisdiction and indictment for children charged with crimes within the jurisdiction of superior courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial proceedings, is amended by adding a new Code section to the end of Article 1, relating to general provisions, to read as follows:

"17-7-3.

The official in charge of any facility in which a child is detained pending trial in the superior, state, or juvenile courts, including but not limited to sheriffs, regional jail authorities, and the Department of Juvenile Justice, shall furnish at least once a week a list of all children so detained to the chief judge, or his or her designee, and the prosecuting attorney for the court or courts having jurisdiction to adjudicate the case against the child.

The list shall include the following information pertaining to each child:

- (1) The child's name;
- (2) The date of arrest;
- (3) The offense charged or other reason for being held;
- (4) The amount of the bond, if known; and
- (5) Whether the child is represented by an attorney and, if represented, the name of the attorney."

SECTION 2.

Said chapter is further amended by adding a new Code section to Article 3, relating to indictments, to read as follows:

"17-7-50.1.

(a) Any child who is charged with a crime that is within the jurisdiction of the superior court, as provided in Code Section 15-11-28 or 15-11-30.2, who is detained shall within 180 days of the date of detention be entitled to have the charge against him or her presented to the grand jury. The superior court shall, upon motion for an extension of time and after a hearing and good cause shown, grant one extension to the original 180 day period, not to exceed 90 additional days.

(b) If the grand jury does not return a true bill against the detained child within the time limitations set forth in subsection (a) of this Code section, the detained child's case shall be transferred to the juvenile court and shall proceed thereafter as provided in Chapter 11 of Title 15.

(c) The provisions of this Code section shall not apply to any case in which the prosecuting attorney files notice with the court that the detained child is a codefendant to a case in which an adult is charged with committing the same offense and the state has filed a notice of its intention to seek the death penalty."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.